The Multi-State Working Group on Environmental Management Systems Overview of Organizational and State Activities

MSWG is an organization that convenes government, non-government, business and academic interests to conduct research, promote dialogue, create networks and establish partnerships that improve the state of the environment, economy and community through systems-based public and private policy innovation. Its quarterly meetings move around the US to accommodate participation. Meetings are open; everyone is welcome. All have a right to speak. Decisions are by consensus. The Council of State Governments (CSG) handles administration and to accommodate gifts has 501(c)(3) status. Voluntary dues support MSWG. NGOs do not pay dues. New members are welcome, especially businesses and NGOs. All 50 states are enrolled in MSWG and linked by e-mail. About 25 states regularly participate at quarterly meetings and 30-40 states attend the annual meeting and workshop. Check www.mswg.org for information.

What activities does MSWG sponsor?

- Pilot projects: In partnership with the U.S. EPA, the Environmental Law Institute, and University of North Carolina-Chapel Hill, MSWG states sponsor about 75 EMS pilot projects that produce data for a national database project funded by the EPA's Office of Water. The purpose of the pilots is to evaluate the ability of environmental management systems to improve the environment. Information is at: www.eli.org/isopilots.htm
- EMS Research: MSWG held six EMS research roundtables at major universities that led to a Research Summit, held in 1999 at The Brookings Institution in cooperation with CSG and the National Academy of Public Administration. The Summit produced an EMS research agenda. Summit papers are included in a textbook, edited by Harvard University and the Massachusetts Institute of Technology, published in 2001 by Resources for the Future. Plans are being made for a second summit.
- EMS Policy Academy: With funding from The Joyce Foundation to CSG and support of business, MSWG has a design team of business, government, academic and NGO appointees preparing recommendations for a national EMS Policy Academy. The " virtual" Academy will focus on learning about public policy EMSs, not those within the confines of a private organization and will complement and not compete with existing services. Public policy EMSs have designed to have credibility with business, government, NGO, consumer and enlightened shareholder interests.
- Workshops: Each June or July, MSWG sponsors, with support from EPA and businesses, an annual EMS workshop. It is a " hands-on" event that hosts EMS practitioners from the US and abroad. It has grown from 75 participants in Cary, NC 1998 to nearly 300 in San Diego, CA in 1999.
- Networking: MSWG provides a networking function between states and EMS support functions, especially those focused on EMSs that fit into a public policy strategy. Technical assistance centers in Florida, Georgia, Iowa, Kentucky, Massachusetts and South Carolina help MSWG participants.
- Other activities: MSWG members contribute to numerous public policy-related environmental initiatives and discussions including EPA's Performance Track, ISO 14001 revisions; Environmental Council of States forums; Global Environmental Management Initiative meetings; professional and trade association programs and Commission for Environmental Cooperation.

MSWG is state-driven. Several states sponsor EMS pilot projects and contribute data to the UNC-ELI database. They are: AZ, CA, IL, IN, NC, NH, OR, PA VT and WI. These states

have or are developing public-policy-related EMS policies, programs, internal EMSs or environmental laws that recognize EMSs: AZ, CA, CT, FL, IA, IL, IN, LA, MA, ME, MN, NC, NH, OH, OR, PA, SC, TX, VA, WA, VT and WI. Contact Marci Carter, carterm@uni.edu for state contact information or questions. Many MSWG states participate in EPA's performance track program, whose businesses use EMSs for public policy purposes.

Implementing Environmental Management Systems In Government Entities

Fourteen government entities were selected from an applicant pool of 50 to participate in a pilot project designed to assist public-sector organizations develop and implement an environmental management system (EMS) based on the ISO 14001 protocol. The U.S. Environmental Protection Agency's (U.S. EPA) Office of Water, Office of Compliance, and Office of Air and Radiation, including Regions I and IX, jointly sponsor this initiative which runs from April 2000 to January 2002.

Each participating organization has selected a facility/organization ("fenceline") in which to implement the EMS, as noted below.

Public Entity	Fenceline
City of Berkeley, CA	Solid Waste Management Division
City of San Diego, CA	Refuse Disposal Division
City of Detroit, MI	Department of Recreation & Public Lighting
Florida Gulf Coast University - Fort Myers, FL	Solid Waste Activities and Services
Port of Houston, TX	Container Terminal and the Central Maintenance Department
Jefferson County, AL	General Services Department
Little Blue Valley Sewer District - Independence, MO	Wastewater Treatment Facility All operations
Louisville and Jefferson County Metropolitan Sewer District Louisville, KY	Wastewater Treatment Facility and Purchasing Department
Wisconsin Department of Natural Resources - Madison, WI	Air Management Bureau
Tri-County Metropolitan Transportation District Portland, OR	Maintenance Facilities
King County Solid Waste Division - Seattle, WA	Entire Division - Eight Transfer Stations & one Regional Landfill
Massachusetts Department of Environmental Protection Lawrence, MA	Wall Experiment Station Analytical Laboratory
University of Massachusetts - Lowell, MA	Olney Science Building - Laboratory
New Hampshire Department of Transportation Concord, NH	Bureau of Traffic

In 1997, U.S. EPA sponsored the first two-year EMS project for nine local governments. Participants experienced compelling environmental and economic benefits over the two-year project period:

- **Improved Environmental Awareness -** "*There's a much better understanding of environmental issues in every department of the fenceline, not just in the environmental department. We are recognizing simple internal "housekeeping" measures that are having a positive effect on our environmental performance. We have self-imposed additional requirements to help prevent pollution, reduce energy use, manage our contractors, and expand environmental education for our citizens. Employees are bringing ideas for reducing our waste streams, for less toxic products. There has been a definite improvement in involvement and morale."*

- **Improved Efficiency -** "*Systematically analyzing compliance issues revealed an opportunity for cost savings. Fifteen departments were responsible for obtaining their own air quality permits - 23 altogether. The implementation team consolidated these permits into eight, saving the city $16,000 per year."*

- **A Positive Effect on Environmental Compliance and Performance -** "*With regards to environmental compliance, we have a better understanding of our legal requirements. We have better-trained employees whose competence in their work area is critical to the environment. We expect that our EMS efforts will increase our ability to stay in compliance."*

For case study information, see the final report at www.getf.org/projects/muni.cfm.

THE SECOND GOVERNMENT EMS INITIATIVE

Due to the overwhelming success of the first program and local governments' growing interest in EMSs, U.S. EPA decided to conduct a second EMS initiative to gather additional data about the value of EMS tools in government organizations. The Global Environment & Technology Foundation (GETF) was again selected to lead the effort, providing in-depth training, coaching and on-site technical assistance to help participants design and implement their EMS's.

Jim Horne, the National Project Manager, from U.S. EPA's Office of Water said,

" The U.S. EPA team was extremely gratified by the level of interest shown by local governments for this second initiative and the level of sophistication of the applications. It is clear that public-sector organizations are rapidly becoming aware of the value of implementing EMS's and the value of working with U.S. EPA. We are delighted with the diverse range of organizations that were selected and expect great things from each of them."

During the two-year project, participants attend five comprehensive workshops. At each they receive training, materials, and technical assistance to help them accomplish EMS milestones in each of the four implementation phases.

The Houston Port Authority, TX had the following to say about the project:

"*This will be an interesting two-year process, learning with and from other organizations who share our interest in protecting the environment while providing public services. We plan to convey all that we learn to our tenants, the city and county, and other port authorities so that we can all do a better job as stewards of the environment."*

For more information on the Local Government EMS Initiative, please contact Craig Ruberti (cruberti@getf.org) at 703-750-6401, Faith Leavitt (fleavitt@earthvision.net) at 941-489-1647, or Jim Horne (horne.james@epa.gov) at 202-260-5802 **or** visit the project web site (http://www.getf.org/projects/muni.cfm) for regular updates on the project.

NEIC Compliance-Focused Environmental Management System

Since the late 1980s, civil multimedia compliance investigations conducted by the EPA National Enforcement Investigations Center (NEIC) have increasingly involved identifying causes of observed noncompliance. In a significant number of cases, the causes arise from inadequate environmental management systems (EMSs). NEIC, in response, developed key elements for a compliance-focused EMS (CFEMS) model, which have been used as the basis for EMS requirements in several settlement agreements. The CFEMS, which includes a guide for using it in settlement agreements, was published in August 1997 and revised in January 2000.[1]

The CFEMS elements are as follows:

1. Environmental Policy
2. Organization, Personnel, and Oversight of EMS
3. Responsibility and Accountability
4. Environmental Requirements
5. Assessment, Prevention and Control
6. Environmental Incident and Noncompliance Investigations
7. Environmental Training, Awareness, and Competence
8. Environmental Planning and Organizational Decision-Making
9. Maintenance of Records and Documentation
10. Pollution Prevention Program
11. Continuing Program Evaluation and Improvement
12. Public Involvement/Community Outreach

To achieve maximum benefit from the CFEMS elements, the overall EMS in which they are incorporated should embody the " plan, do, check, and act" model for continuous improvement. Consequently, the compliance-focused EMS model described here is intended to supplement, not replace, EMS models developed by voluntary consensus standards bodies, such as the ISO 14001 EMS standard developed by the International Organization for Standardization.

Settlement agreements that require an EMS typically include a requirement that the organization conduct an initial review of its current EMS, followed by development of a comprehensive CFEMS that must be documented in a manual. The EMS manual must contain policies, procedures, and standards for the 12 key elements, at a minimum, and should also identify other, more detailed procedures and processes (e.g., inspections and self-monitoring) that may be located elsewhere at the facility. After the organization has had sufficient time to implement and refine the EMS (usually 2 to 3 years), the agreement should require at least one EMS audit by an independent third-party auditor, with results reported to both the organization and EPA. However, additional audits may be required, as individual circumstances dictate

[1]The document is available on NEIC's website. http://es.epa.gov/oeca/oceft/neic/12elmenr.pdf

The intended result of this approach is twofold: first, to have the organization develop an EMS that will both improve its compliance with applicable environmental requirements and, second, to improve its environmental performance by achieving the organization's environmental targets and objectives.

The January 2000 revision involved enhancing several of the elements and more completely incorporating the due diligence provisions of the EPA audit policy. Refinement continues through settlement negotiations, and discussions with EPA staff, EMS consultants, and environmental personnel from several companies with medium-size and large facilities.